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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 08-00402 RMW
)	
Plaintiff,)	STIPULATION TO CONTINUE
)	DATE FOR SENTENCING;
v.)	ORDER []
)	
KEVIN VO,)	
)	Date: October 25, 2010
Defendant.)	Time: 9:00 a.m.
)	
)	Before The Honorable Ronald M. Whyte

The parties jointly ask the Court to continue Kevin Vo's sentencing from its currently scheduled date of October 25, 2010 to **Monday, December 13, 2010**, at 9:00 a.m., before The Honorable Ronald M. Whyte, United States District Judge. The basis for the request is that this defendant is a cooperating witness for whom the government intends to file a motion for a sentencing departure under U.S.S.G. § 5K1.1.

Trial for the co-defendants was scheduled to begin on Monday, October 25, 2010, although, as of last night, all parties have agreed to resolve their cases. Defendant's cooperation was necessary and continued, therefore, through and including last week. Accordingly, the government was not able fully to evaluate the extent and value of Kevin Vo's cooperation,

REQUEST TO CONTINUE SENTENCING

1 although it believes it can do so now.

2 The United States Probation Officer assigned to the case, Waseem Iqbal, has been
3 informed of this request by voicemail. (He is out of the office today.) The parties hope that the
4 new date will be acceptable to USPO Iqbal; in the unlikely event it is not, the parties will be
5 happy to adjust the schedule to accommodate him.

6 IT IS SO STIPULATED:

7 DATED: October 20, 2010

MELINDA HAAG
United States Attorney

8 / s /

9 DAVID R. CALLAWAY
10 Assistant United States Attorney
11 Counsel for United States

12 DATED: October 20, 2010

/ s /

13 ALLEN H. SCHWARTZ, ESQ.
14 Counsel for Defendant Kevin Vo

15
16 **ORDER**

17 For the reasons set forth above, and good cause appearing,

18 IT IS HEREBY ORDERED that sentencing for the captioned defendant, currently
19 scheduled to occur on October 25, 2010, is continued to **Monday, December 13, 2010, at 9:00**
20 **a.m.**, before The Honorable Ronald M. Whyte, United States District Judge.

21 Date: 10/21/10

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23 RONALD M. WHYTE
24 United States District Judge
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